

Notice of Allowability

Application No.

10/657,223

Examiner

Kalimah Fernandez

Applicant(s)

JENKINS ET AL.

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-23-04.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 08 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 6-23-04 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Pat 6,642,513 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

1. Claims 1-25 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record fail to teach or obviously suggest the claimed invention.

2. Specifically, no teaching or obvious suggestion was found of the limitation "at least one valve in communication with the dryers for selectively placing a first of the dryers in communication with the detector; and at least one heater for selectively recharging a second of the dryers while the first dryer is in communication with the detector" as in claims 1 and 12. Similarly, claim 12 recites the limitation "valve for selectively placing one of the dryers in communication with the desorber while substantially isolating the other of the first and second dryers from the

desorber" in combination with the recited traps, a desorber, a heater, and a dryer assembly having at least first and second dryers.

3. Moreover, no teaching or obvious suggestion was found of the limitation "two heaters associated respectively with the dryers for heating the dryers for heating the dryers sufficiently for vaporizing moisture collected therein and enabling the vaporized moisture to be purged from the respective dryer, whereby the dryer and heaters are operated alternately for enabling a substantially continuous stream of dried air to be in communication with the detector and enabling substantially continuous operation of the detector" as in claim 9.

4. No teaching or obvious suggestion was found of the limitations "directing a stream of air through the operated dryer for transferring moisture from the stream of air to the operated dryer to produce a stream of dry air; directing the stream of dry air from the operated dryer toward an object to be tested for particles of interest and then toward the detector; recharged the non-operated dryer; and switching the stream of air from one of the dryers to the other after the non-operated dryer has been at least partially recharged and before the operated dryer has become saturated" as in claim 20.

5. Similarly, claim 24 recites the limitation “recharging a second dryer for purging water from the second dryer while the stream of air is directed through the first dryer; and redirecting the stream of air through the second dryer after the second dryer has been at least partly recharged and before the first dryer has become saturated with water; and recharging the first dryer while the stream of air is directed through the second dryer.”

6. Lastly, no teaching or obvious suggestion was found of the limitations “terminating the first flow of dried air from the first dryer and operating the second dryer for producing a second flow of dried air; directing a first portion of the second flow of dried air towards the detector for transporting potential particles of interest into the detector; diverting a second portion of the second flow of dried air from the second dryer to the first dryer and simultaneously heating the first dryer for liberating moisture from the first dryer, whereby the first and second dryers are operated sequentially prior to either of the first and second dryers being saturated for permitting continuous operation of the detector” as in claim 25.

7. Claims 2-8, 10-11, 13-19 and 21-23 are allowed by virtue of their dependence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

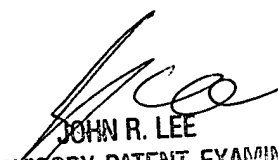
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalimah Fernandez whose telephone number is 571-272-2470. The examiner can normally be reached on Mon-Tues 6:30-3:30; Wed-Thurs 8-5 and Fri.9am-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kf


JOHN R. LEE
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